

USPTO Customer No. 25280

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**REMARKS**Summary of Claim Amendments

Claim 32 and 45 are amended with this response. Claims 33, 39, and 44 are cancelled without prejudice or disclaimer, with this response. Thus, the pending claims to be considered by the Office are Claims 32, 34-36, 40, 41, 43, 45, 46, 48-52, 54, 55, 57, 59-63, 65-69, and 71-72.

Summary of the Office Action

The Office Action dated May 16, 2007, included the following rejections and objections:

1. Claim 39 was objected to for failing to further limit the subject matter of a previous claim.
2. Claims 32-36, 39-41, 43, 46, 48-52, 54, 55, 57, 59-63, and 65-69 were rejected under U.S.C. 103(a) as being unpatentable over WO 03/014462 to Crenshaw et al., in view of Vorel (WO 96/22413, machine translation), Allen (U.S. 3,801,421), Newbould (EP 0367441), Ashton (U.S. 5,057,175), and Pourmand (U.S. 6,342,115).
3. Claims 44 and 45 were rejected under U.S.C. 103(a) as being unpatentable over WO 03/014462 to Crenshaw et al., in view of Vorel, Allen, Newbould, Ashton, and Pourmand, and further in view of Hutter (U.S. 3,005,230).
4. Claims 48, 49, 71, and 72 were rejected under U.S.C. 103(a) as being unpatentable over WO 03/014462 to Crenshaw et al., in view of Vorel, Allen, Newbould, Ashton, and Pourmand, and further in view of U.S. 5,932,317 to Kerr.

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Discussion of the Amendments and Rejections

Claim 32 has been amended to include the limitations of claims 33, 39, and 44, and to call for a deformability of about 14-50%. Justification for this amendment may be found, for example, on page 15, lines 16-19 and page 16, lines 1-2, of the specification. Claim 45 has been amended to depend from claim 32.

Although Applicants did not agree with the objection to claim 39, Applicants have cancelled claim 39 and added the plurality of stages of pressing to claim 32.

Claim 32 is directed to a method of producing a mat with a tufted pile surface and an elastomer backing, where the method comprises the steps of (a) mixing elastomer crumbs and binder, (b) depositing the crumb/binder mixture to form a crumb/binder layer, (c) placing a textile surface element comprising tufts of yarn tufted into a tufted substrate on the crumb/binder layer to form a mat assembly, (d) pressing the mat assembly in a heated press having an inflatable diaphragm and a single heated platen, which includes a plurality of heated zones, said pressing step being used to set the binder, thereby consolidating the elastomer crumbs to form an elastomer backing having voids between the elastomer crumbs and bonding the textile surface element to the elastomer backing, wherein the mat assembly is pressed at a pressure from 2-8 p.s.i.g. and heated a maximum temperature of 200 °C or less to form an elastomer backing with a density in the range of 0.5 to 0.9 g/cm<sup>3</sup>, a deformability of about 14-50%, and the like.

All other rejected claims depend, either directly or indirectly, from Claim 32 and, as such, include all of the limitations of Claim 32. (See MPEP 608.01(i), which states, in part: Claims in dependent form shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.)

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Accordingly, the Office must consider all of the limitations of the claims in evaluating the patentability of a claim against the prior art. (See MPEP 2143.03, which states, in part: "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).)

One limitation of Claim 32 is that "the mat assembly [is pressed] in a heated press having an inflatable diaphragm and a single heated platen having a plurality of zones, a first zone being a low temperature zone and a second zone being a higher temperature zone." The Office acknowledges that the CRENSHAW reference fails to teach the use of a compression mold having an inflatable diaphragm and, therefore, turns to the teachings of Newbould.

Moreover, the Newbould reference and the Crenshaw reference are incapable of being combined, because the apparatus described by Crenshaw is incapable of having an inflatable diaphragm. Specifically, the inflatable diaphragm is located in the area occupied by the second heated platen. Accordingly, Applicants submit that no *prima facie* case of obviousness exists with respect to this feature, based on the combined teachings of Crenshaw and Newbould.

Another limitation of Claim 32 is that the elastomer backing has a density of 0.5-0.9 g/cm<sup>3</sup>. The Office acknowledges that the Crenshaw (WO '462) reference fails to teach such a density, and, therefore, turns to the Vorel and Allen references to overcome this deficiency.

Another limitation of Claim 32 is that the elastomer backing had voids between the elastomer crumbs. The Office acknowledges that Crenshaw is silent on having voids between the elastomer crumbs and, again, turns to Vorel for a teaching of voids. The Office also suggests that it would be obvious to one skilled in the art to create voids in a matrix resin forming a carpet of Crenshaw because Vorel teaches the desirability of forming voids in a backing layer.

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Crenshaw teaches away from having voids in the backing. Crenshaw utilizes a high pressure process which eliminates voids. Thus, the proposed combination is taught away from and based on improper hindsight.

Applicants respectfully submit that the addition of the other references do not cure all of the deficiencies of the previous combination of references. Accordingly, Applicants respectfully request the withdrawal of the rejections.

### CONCLUSION

In view of the foregoing Amendments and Remarks, the Examiner is respectfully requested to withdraw the outstanding rejections and to pass the subject application to allowance. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

**Fee Authorization:** In the event that there are additional fees associated with the submission of these papers, Applicants hereby authorize the Commissioner to withdraw those fees from Deposit Account No. 04-0500.

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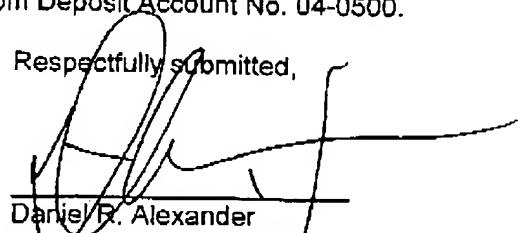
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**Extension of Time:** This response is accompanied by a Petition for Extension of Time (two months). In the event that additional time is required to have the papers submitted herewith for the above-referenced application to be considered timely, Applicants hereby petition for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from Deposit Account No. 04-0500.

Date: June 30, 2008

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Respectfully submitted,



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